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UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JENNIFER MAREK, ISABELLE DWIGHT,
DARREN WILLIAMS, JENNIFER GANNON,
EVVIE EYZAGUIRRE, BRANDI FIKE,
LANCE WALDRON, JESSICA TEMPEST, and
VIVIAN NOGUERAS, as individuals, on behalf
of themselves, the general public and those simi-
larly situated,

Plaintiffs,

v.

MOLSON COORS BEVERAGE COMPANY
USA LLC and MOLSON COORS BEVERAGE
COMPANY,

Defendants.

CASE NO. 21-cv-07174-WHO

**PLAINTIFFS' SUPPLEMENTAL
STATEMENT IN SUPPORT OF FINAL
APPROVAL OF CLASS SETTLE-
MENT; MOTION FOR ATTORNEYS'
FEES, COSTS AND REPRESENTA-
TIVE PAYMENTS**

Hon. William H. Orrick

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1 As discussed at the July 12, 2023 hearing on Plaintiffs’ Motion for Final Approval and
 2 Motion for Fees, Costs, and Incentive Awards, Plaintiffs submit this supplemental statement
 3 to address the Court’s concerns regarding (i) incentive awards to the named plaintiffs and (ii)
 4 the increase in the claims administrator’s estimated fees.

5 With regards to the incentive awards, the Court expressed concern over the \$5,000
 6 payment to Plaintiffs Jennifer Marek, Isabelle Dwight, Darren Williams, Jennifer Gannon,
 7 and Evvie Eyzaguirre given the Court’s understanding that the named plaintiffs did not sit for
 8 depositions. Plaintiffs wish to clarify that two plaintiffs, Gannon and Williams, did sit for
 9 depositions. ECF 58 at 3. Marek and Dwight also responded to numerous discovery requests
 10 and were actively involved in the case. *See* ECF 58-4 at ¶ 42 (Safier Declaration in support of
 11 Motion for Approval).

12 The Court also expressed concern regarding representative payments to Plaintiffs that
 13 the Court believed were not parties to the litigation—i.e., “named plaintiffs”: Brandi Fike,
 14 Lance Waldron, Jessica Tempest, and Vivian Nogueras. However, each is a named plaintiff,
 15 and each is a signatory to the settlement agreement. The current operative complaint, filed
 16 January 13, 2023, names these individuals as Plaintiffs. ECF 56-1, 60. Further, Plaintiffs wish
 17 to emphasize that the participation of Fike, Waldron, Tempest, and Nogueras in the case was
 18 critical to a favorable resolution. Specifically, these Plaintiffs represent geographic regions
 19 across the United States (Fike from Pennsylvania, Waldron from Colorado, Tempest from
 20 New York, and Nogueras from Florida) that made a nationwide settlement possible. *See* ECF
 21 58-4 at ¶ 42. Had the case not settled, Plaintiffs were prepared to file suits across the country
 22 to pursue a nationwide class. *Id.* Although these plaintiffs did not participate as extensively in
 23 discovery, their willingness to participate is and was still vital to the favorable resolution for
 24 all class members. For the foregoing reasons, Class Counsel respectfully reiterate the request
 25 that this Court grant an award of \$5,000 each for Plaintiffs Marek, Dwight, Williams, Gan-
 26 non, and Eyzaguirre and \$2,500 each for Plaintiffs Fike, Waldron, Tempest, and Nogueras.¹

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 28 ¹ Alternatively, Plaintiffs request that all named plaintiffs be awarded some representative pay-
 ment, even if reduced.

1 Regarding the claims administration costs, as Class Counsel explained at the hearing,
2 the claims rate and fraudulent claims both drove the administration costs to exceed the origi-
3 nal estimate. Submitted simultaneously *in camera* is a further declaration from Steven
4 Weisbrot that includes itemized costs associated with the administration of the settlement as
5 well as the original bid that was accepted by Plaintiffs' counsel.

6 Should this Court need additional information, Plaintiffs are happy to provide it.

7
8 Dated: July 21, 2023

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9 /s/ Hayley Reynolds /
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